

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

**In re POLYURETHANE FOAM ANTITRUST
LITIGATION**

MDL Docket No. 2196

Index No. 10 MD 2196 (JZ)

This document relates to:

Direct Purchaser Case *Spring Air International LLC v. Hickory Springs Manufacturing Co., et al* (1:11-pf-10001-JZ and 3:11-pf-10001-JZ)

December 29, 2011

JOINT MOTION FOR EXTENSION OF TIME

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7.1 of the Local Rules of the Northern District of Ohio, Plaintiffs Spring Air International LLC, Spring Air Ohio LLC, Spring Air LLC, and E & E Bedding Company, Inc. (collectively hereinafter, "Spring Air") and the proposed Intervenor Alfred T. Giuliano, the Chapter 7 Trustee of the Substantively Consolidated Estates of Consolidated Bedding, Inc., *et al.* (hereinafter, "Consolidated Bedding"), jointly move for a two (2) week extension of time for Spring Air to respond to Consolidated Bedding's *Motion to Intervene and Add Party Plaintiff* filed on December 16, 2011 [Doc. # 14]. The response is currently due on December 30, 2011. Spring Air and Consolidated Bedding jointly request that the time for Spring Air's response be extended up to and including January 13, 2012.

In support of this motion, the undersigned represent and state:

1. In light of the pending *Motion to Intervene and Add Party Plaintiff*, Spring Air and Consolidated Bedding are in the process of settlement negotiations regarding who is the

proper party to prosecute certain claims asserted by Spring Air arising under Sections 4 and 16 of the Clayton Act, 15 U.S.C. §§ 15 and 26, and seeking the recovery of treble damages and the costs of suit, including reasonable attorneys' fees, against the manufacturers and sellers of polyurethane slabstock foam for price fixing based on purchases made by Consolidated Bedding entities since at least 2001, and for such other relief as is afforded under the antitrust laws of the United States (the "Antitrust Claims").

2. Spring Air and Consolidated Bedding anticipate that they will reach a resolution as to who is the proper party to pursue the Antitrust Claims on or before January 13, 2012.

3. Should the anticipated agreement be reached, it will render Consolidated Bedding's pending motion to intervene moot.

4. However, Spring Air's deadline to respond to the motion is tomorrow, December 30, 2011. The reply brief would then be due on January 6, 2012.

5. Postponing the filing deadlines until after the parties have had a fair opportunity to resolve this dispute on their own will avoid wasting judicial resources, spare the parties unnecessary expense, and further the interests of judicial economy.

6. No party will be prejudiced by the requested two-week extension. Nor will the extension unduly delay the adjudication in this matter, as the litigation is still in an early stage of development.

7. In this circumstance, there is good cause to extend the filing deadline.

WHEREFORE, the undersigned jointly request that the Court grant this motion, extending Spring Air's response deadline until January 13, 2012, with all associated deadlines extended accordingly thereafter.

Respectfully submitted,

PLAINTIFFS,
SPRING AIR INTERNATIONAL LLC,
et al.

By Their Attorneys:

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PROPOSED INTERVENOR,
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TRUSTEE of the SUBSTANTIVELY
CONSOLIDATED ESTATES of
CONSOLIDATED BEDDING, INC., *et al.*

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CERTIFICATE OF SERVICE

I certify that on December 29, 2011, the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by electronic mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated in the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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